IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.579 OF 2006

In

CRIMINAL APPEAL NO.437 OF 2006

1. Shri Anand Sukhdev Bansode

2. Shri Razzak Mehboob Tamboli : Applicants

(Orig. Accused)

V/s.

The State of Maharashtra : Respondent

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Mr.S.B.Pawar with Mr.Prabhakar Parse for the applicants.

Mrs.V.R.Bhosale, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : AUGUST 3, 2006.

P.C.

1. Both the accused have been convicted under section 302 read with 34 of the I.P.C. for administering poison forcibly to the victim Dhulappa Hanumanta Gaichode.

2. The learned counsel for the applicants-accused contended that the incident is of 1994. They were granted bail at that time itself and they were on bail from 1994 to 2006 when the judgement was delivered. They have

attended the Court regularly. They have not misused the bail. Insofar as the evidence of dying declaration is concerned, there is variance between the evidence of the witnesses and the dying declaration.

3. In view of the above facts, the applicants-accused Anand Sukhdev Bansode and Razzak Mehboob Tamboli be released on bail on P.R. bond of Rs.10,000/- (Rupees Ten Thousand only) each with one or two solvent sureties in the like amount. They should attend the concerned police station once in a month, in the first week of every month, till the appeal is disposed of. Their substantive sentence is suspended pending the appeal. Fine if any, should be paid before they are released on bail.

4. The Criminal Application stands disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.